

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ANGELA PATTERSON,

Plaintiff,

V.

Civil Action No.: 7:19at99999 7:19cv329

SAM'S EAST, INC. d/b/a Sam's Club,

SAM'S REAL ESTATE BUSINESS TRUST,

WALMART INC. d/b/a Sam's Club,

WAL-MART STORES EAST, LP,

WAL-MART STORES EAST, INC.,

WAL-MART ASSOCIATES, INC.,

JOHN DOE,

and

JANE DOE,

Defendants.

JOINT NOTICE OF REMOVAL

COME NOW the defendants, Sam's East, Inc. d/b/a Sam's Club, Sam's Real Estate Business Trust, Walmart Inc. d/b/a Sam's Club, Wal-Mart Stores East, LP, Wal-Mart Stores East, Inc., and Wal-Mart Associates, Inc. (collectively referred to herein as "Defendants" or "the defendants"), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, and file this Joint Notice of Removal to remove this action to this Court from the Circuit Court for the City of Danville, Virginia. In support of this Joint Notice, the defendants state as follows:

1. Upon information and belief, plaintiff is, and was at all times relevant hereto, a resident, citizen, and domiciliary of the Commonwealth of Virginia.
2. At the time this action commenced, and at the time of removal, Sam's East, Inc., was an Arkansas corporation with its principal place of business in Bentonville, Arkansas.
3. At the time this action commenced, and at the time of removal, Sam's Real Estate Business Trust was a statutory trust organized under the laws of Delaware. There are ownership units

in the trust, all of which are owned by Sam's Property Co. Sam's Property Co. is incorporated in Delaware with its principal place of business in Bentonville, Arkansas.

4. At the time this action commenced, and at the time of removal, Walmart Inc., was a Delaware corporation with its principal place of business in Bentonville, Arkansas.

5. At the time this action commenced, and at the time of removal, Wal-Mart Stores East, LP, was a Delaware limited partnership with its principal place of business in Bentonville, Arkansas. The partners of Wal-Mart Stores East, LP, are WSE Management, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas, and WSE Investment, LLC, which is a Delaware limited liability company, with its principal place of business in Bentonville, Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC, is Wal-Mart Stores East, Inc., which is an Arkansas corporation with its principal place of business in Bentonville, Arkansas.

6. At the time this action commenced, and at the time of removal, Wal-Mart Stores East, Inc., was an Arkansas corporation with its principal place of business in Bentonville, Arkansas.

7. At the time this action commenced, and at the time of removal, Wal-Mart Associates, Inc., was incorporated in the State of Delaware and had its principal place of business in the State of Arkansas.

8. For purposes of removal, defendants John Doe and Jane Doe are irrelevant. More specifically, 28 U.S.C. § 1441(b)(1) provides that "[i]n determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded."

9. The plaintiff has filed a Complaint against the defendants in the Circuit Court for the City of Roanoke, Virginia. A copy of the plaintiff's Complaint and the defendants' Answer are attached hereto as **Exhibit A**, pursuant to 28 U.S.C. § 1446.

10. This Joint Notice is filed within thirty (30) days after service upon the defendants and is filed not more than one (1) year after the commencement of this action, pursuant to 28 U.S.C. § 1446(b).

11. This civil action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the amount in controversy alleged in the Complaint exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs, and the action is between citizens of different states.

12. The defendants have given notice of the filing of the Joint Notice of Removal to counsel for the plaintiff and have filed a copy with the Clerk of the Circuit Court for the City of Roanoke, Virginia.

13. The defendants are represented by the same counsel and all join in the removal of this case to this Court.

WHEREFORE, the defendants, by counsel, hereby give notice to this Court that this action is removed to this Court from the Circuit Court for the City of Roanoke, Virginia.

SAM'S EAST, INC. d/b/a Sam's Club,
SAM'S REAL ESTATE BUSINESS TRUST,
WALMART INC. d/b/a Sam's Club,
WAL-MART STORES EAST, LP,
WAL-MART STORES EAST, INC., and
WAL-MART ASSOCIATES, INC.

/s/ Victor S. Skaff, III
Of Counsel

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2019, a copy of the foregoing Joint Notice of Removal was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Victor S. Skaff, III

Of Counsel